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In 1967 California created a Board of Governors of the California Community Colleges to assume the responsibilities then held by the State Board of Education and the State Superintendent of Public Instruction. The law also directed the Coordinating Council for Higher Education to appoint a committee to recommend the proper functions of the new Board of Governors and of local school boards maintaining junior colleges. By the time the Board assumed its authority in July 1968, it had arranged for the transfer of personnel and functions from the State authorities. The Education Code was examined for all sections pertaining to junior colleges at both state and local levels, so that the necessary elimination or reassignment of authority could be anticipated. As these changes would require major reorganization of the entire junior college structure, the Committee recommended a study, showing alternative structures and operations, to serve as a model for the final choice and meanwhile avoid ad hoc, unwise changes. It also recommended that certain conditions remain as before (instructional offerings, funding, etc.) and that some legislation, presently precluding the new Board's authority, be changed. Eighteen major functions each for the Board of Governors and the local junior college governing boards are suggested. The report shows which functions are changed, reassigned, new, or shared. Appended are the names of the Committee members and the full text of the Senate Bill creating the Board of Governors. (HH)

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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APPROPRIATE FUNCTIONS OF THE BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES AND OF THE LOCAL JUNIOR COLLEGE GOVERNING BOARDS

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COUNCIL RESOLUTION

WHEREAS, The Coordinating Council for Higher Education was directed by Senate Bill 669 of the 1967 session of the Legislature to make a thorough review of all the duties, powers, responsibilities and jurisdictions in the management, administration, and control of the junior colleges and to report to the Governor and the Legislature on the appropriate functions which should be performed by local school boards maintaining junior colleges and by the Board of Governors of the California Community Colleges; now therefore be it

RESOLVED, That the Coordinating Council for Higher Education transmits to the Governor, the Legislature and the Board of Governors of the California Community Colleges the staff report entitled "Appropriate Functions of the Board of Governors of the California Community Colleges and of the Local Junior College Governing Boards;" and be it further

RESOLVED, That the Coordinating Council for Higher Education advises the Governor and the Legislature that the proposed functions contained on pages six through eleven of that report would be appropriate to be performed respectively by local junior college governing boards and by the Board of Governors of the California Community Colleges.

INTRODUCTION AND BACKGROUND

In 1967, the Legislature and the Governor made a major and significant change in the governance of public higher education in California. Enactment into law of Senate Bill 669 (Senator Stiern) created a new 15-member Board of Governors of the California Community Colleges. On July 1, 1968, the new Board succeeded to all the duties, powers, purposes, responsibilities and jurisdictions previously vested in the State Board of Education and the State Superintendent of Public Instruction[1] with respect to the management, administration and control of the junior colleges.[2]

Legislation establishing the new Board also directed that the Coordinating Council shall:

> ". . . undertake a study of all of the duties, powers, responsibilities, and jurisdictions in the management, administration, and control of the junior colleges and shall report to the Governor and to the Legislature on or before December 1, 1968, on the appropriate functions which should be performed (a) by local school boards maintaining junior colleges and (b) by the Board of Governors of the California Community Colleges."

The Governor appointed the Board of Governors in January, and the Board held its first meeting on February 28, 1968. Between that time and July 1, 1968, when the Board assumed legal authority, it met monthly and planned for the orderly transfer of personnel, administrative duties, functions, and responsibilities from the State Board and State Department of Education. Vocational education, teacher credentials and adult education presented especially difficult problems. They have, however, been resolved at least on a transitional basis.

On July 1, 1968, the Board of Governors assumed all functions and duties previously vested in the State Board/Department of Education and the State Superintendent. Local governing boards, all other local officials and agencies, and all other state agencies and individuals shown below continue to have the same legal responsibilities for junior colleges which they had prior to July 1. No further changes will be made in the functions of the Board of Governors, the local governing boards, or any other agencies or officials unless, or until, the Legislature and the

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[1] The name of the Superintendent of Public Instruction was inadvertently omitted from the 1967 legislation, but was added by legislation adopted in 1968.

[2] A complete copy of the Act creating the Board of Governors is attached as Appendix A.

Governor enact laws to make such changes. The Legislature's request to the Coordinating Council was made in order to obtain advice on an appropriate allocation of functions between the Board of Governors and local governing boards, should the Legislature desire to make such changes in the 1969 or subsequent sessions.

The Council staff began work on this report in the spring of 1968. The Director appointed a special Advisory Committee,[1] representative of all elements involved with junior colleges, to deal with anticipated issues. This Committee consisted of representatives of local college trustees, local college administrators, local college faculty, the California Junior College Association, the Department of Finance, the Office of the Legislative Analyst, and the staff of the Board of Governors. The Committee held three meetings, was consulted several times by mail, and has been most helpful in the preparation of this report.

With the consultant services of Mr. William P. Smith, Jr., a Sacramento attorney, the staff made a thorough review of the Education Code. This review was made in order to discover all appropriate sections dealing with the junior colleges. These applicable sections were then separated in order to highlight duties and responsibilities assigned to various boards, officers, individuals and agencies at both the local and state level. This review showed that a surprisingly large number of agencies and officials have some specific authority over, or responsibility for, junior college governance at the local level. These include:

- County Officials and Agencies
  - County Superintendent of Schools
  - County Clerk
  - County Librarian
  - County Treasurer
  - County Auditor
  - County Assessor
  - County Counsel
  - County Committee on School Organization
  - County Board of Supervisors
  - County School Publications Review Board
  - County Board of Education
  - County Library

- City Officials and Agencies
  - City Superintendent
  - City Governing Board
  - City Council

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[1] A complete list of the Committee membership is attached as Appendix B.

District Officials and Agencies
- District Secretary
- District Board of Trustees
- District Clerk
- District Auditor

College Personnel
- Teachers
- School Chief Executive
- School Superintendent
- Junior College Head
- Chief Accounting Officer
- Junior College Principal

Miscellaneous Local Officials
- Precinct Election Officers
- Election Inspector
- Public Education Officials
- Local Librarian

Responsibility and authority for junior colleges at the state level is also vested in a number of agencies and individuals, although primary responsibility was vested in the State Board of Education, the State Department of Education, and the Superintendent of Public Instruction. The following agencies or individuals, however, have some duties relating to junior college governance at the state level:

State Agencies
- State Board of Education
- State Department of Education
- State Curriculum Commission
- State Legislature
- State Board of Governors, California Community Colleges
- State Department of Finance
- State Council of Educational Planning & Coordination
- State Department of General Services
- State Allocation Board
- State Advisory Commission on School District Budgeting and Accounting
- State School Building Finance Committee
- State Board of Control
- Coordinating Council for Higher Education

State Officials
- Governor
- State Superintendent of Public Instruction
- State Director of Education
- California Community Colleges Chancellor
- State Controller

State Officials (continued)

State Director of Corrections
State Treasurer
State Director of Finance
State Director of General Services
State Director of Compensatory Education
Secretary of State
Attorney General

This thorough review of the Education Code made it possible to single out those areas of major responsibility for junior college governance and operations and to ascertain who had such responsibility. By the time this review was completed it became apparent that no major revisions of the current functions of the local boards or the Board of Governors could be made without a complete restructuring and reorganization of the junior colleges. As long as junior colleges remain a part of the secondary school system; as long as they are funded in the present method by a combination of funds from the local property tax and from the state school apportionment fund; as long as they are organized and operated as local school districts; as long as they vary so widely in organizational structures from unified to independent districts; and as long as some colleges rely heavily upon the services of the county superintendent of schools and other county officials, major changes are not possible without a complete revamping of the junior college structure. It was concluded that the Legislature, in making its request, had not intended the Council to recommend major organizational changes, but rather to recommend changes in, or additions to, existing functions. The Council staff recommends, however, that a study to examine the effects of a major reorganization of junior college structure (e.g. elimination of the role of county officials; a new system of financing; change in designation as a part of secondary education; a change of organization from that of a local school district) and to recommend alternative methods of structure and operation would be very useful. It could serve as a model for future changes and could help to eliminate ad hoc, and possibly unwise, changes. This study should be undertaken by, or under the auspices of, the Board of Governors and should be reviewed by the Coordinating Council.

The suggested assignment of functions developed by the Council staff and shown on the following pages assumes the following: (1) Junior colleges will continue to perform their functions offering instructional programs in standard collegiate transfer courses, vocational-technical fields, general or liberal arts courses, adult education and community services. (2) Junior colleges will continue to be organized and operated as local school districts with all the legal responsibilities attendant thereto. (3) Junior colleges will continue to be financed through the current method of state-local sharing and funds at the state level will continue to be provided through the State School Funds. (4) Junior colleges will continue to be a part of secondary education as well as higher education. (5) The County Board of Education, the County Superintendent of Schools and other county officials will continue to perform primarily the same services for, and maintain the same responsibilities over, the junior colleges.

The suggested assignment of functions is not all-inclusive of the current duties and responsibilities of the local boards or the Board of Governors. Rather it is a list of those functions that are reassigned, newly created, or considered by the Council staff and the Advisory Committee to be of primary importance. It should be noted that many of the functions are shared by the Board of Governors and the local boards, rather than being the exclusive responsibility of one or the other. These suggested functions do not represent any major structural, organizational or financial changes from the way local junior college boards and the State Board/State Department of Education have operated over the past several years. Significant changes within this existing framework are proposed, however, in the areas of curriculum and educational program approval, academic master plans, student conduct, inter-district attendance agreements, credentials, the employment of professional staff, and graduation requirements.

Two things became very apparent from the review of the Education Code. First, the Legislature has enacted a number of statutes that restrict or preclude the authority of both the Board of Governors and the local governing boards in many policy areas. Many times, by the passage of specific legislation, the Legislature has made policy decisions that are often made by governing boards of institutions of higher education, thus precluding the establishment of policy by either the local boards or the Board of Governors. In those instances where it is recommended that specific responsibility be assigned to either the Board of Governors or the local governing board and statutes preclude the exercise of such responsibility, the Council staff recommends that those Code sections be repealed.

The second significant finding from the review of the Education Code was that the Legislature has frequently enacted statutes designed to apply to high schools or the public school system. Thus, these statutes apply to junior colleges as well because they are a part of secondary education. In those instances where it is recommended that a specific responsibility be assigned to either the Board of Governors or the local governing boards and statutes preclude the exercise of this responsibility, the Council staff recommends that those Code sections be made inapplicable to junior colleges.

The following suggested assignment of functions was developed after careful consideration and consultation to present a meaningful and practical division of appropriate responsibilities between the Board of Governors and local governing boards.

SUGGESTED MAJOR FUNCTIONS OF THE BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES

Shown below are the suggested major functions of the Board of Governors. The page numbers shown after each recommended function refer to the page in this report where the function is discussed in detail. An asterisk before the function denotes that it is either a new, a changed or a reassigned function. All functions not so marked are present functions of the respective board or boards, but are placed in this list in order to indicate their importance.

*1. To be responsible for the overall orderly growth and development of California's junior colleges, e.g.

   a. Approve plans for and advise on the formation of new districts and the reorganization of existing districts. (page 13)

   *b. Coordinate and encourage inter-district, regional and statewide development of junior college programs and facilities. (page 13)

   c. Approve the offering of out-of-district classes. (page 13)

   *d. Review and approve academic master plans for each junior college district. (page 14)

   e. Review and approve master plans for facilities for each junior college district. (page 14)

2. To establish minimum standards to govern academic standards and probation-dismissal-readmission policies. (page 14)

*3. To establish standards for graduation requirements. (Statutes now prohibiting the complete exercise of this authority should be repealed.) (page 15)

*4. To approve all educational programs in the junior colleges. (A program is defined as a series of courses leading to a degree, a certificate, a diploma, or transfer to another institution of higher education.) (page 16)

5. To establish criteria and standards for graded and non-graded classes and to approve individual classes for adults that are eligible for state apportionments. (page 16)

*6. To establish minimum standards for the employment of professional staff in junior colleges.
(Statutes, including those dealing with credentials, now prohibiting the complete exercise of this authority should be repealed and/or made inapplicable for districts maintaining junior colleges.) (page 19)

*7. To conduct necessary statewide research on junior colleges and to provide appropriate information services, e.g. (page 21)

  a. Determine definitions for the purpose of uniform reporting.

  b. Collect, compile and analyze data for effective planning and coordination.

  c. Disseminate information.

*8. To facilitate articulation with other segments of higher education and with secondary education. (page 22)

*9. To represent junior colleges before state and federal legislative and executive agencies. (page 22)

10. To administer state support programs (both operational and capital outlay) and those federally supported programs for which the Board of Governors has responsibility by state and/or federal law. (page 22)

11. To establish a uniform system of budgeting and accounting for districts maintaining junior colleges. (page 22)

*12. To establish out-of-state tuition fees and advise on procedures governing the admission of out-of-state students and foreign students. (page 23)

*13. To establish procedures governing inter-district attendance agreements and restrictions on attendance between districts. (page 24)

14. To establish space and utilization standards for facility planning in order to determine eligibility for state funds for construction purposes. (page 24)

15. To establish recommended procedures regarding campus site selection. (page 24)

*16. To plan for, and advise on, financial assistance and scholarship programs for junior college students. (page 25)

*17. To establish minimum procedures to be used by local boards that will insure faculty and students the opportunity to express their opinions at the campus level and will insure that those opinions are given every reasonable consideration. (page 26)

18. To adopt rules and regulations, not inconsistent with the laws of the State of California, for the governance and supervision of the public junior colleges.

SUGGESTED MAJOR FUNCTIONS OF THE LOCAL JUNIOR COLLEGE GOVERNING BOARDS

*1. To establish rules and regulations for the governance and operation of one or more colleges in a district and to delegate appropriate authority to officers, employees or committees of the district, the college or the board. (page 28)

2. To establish policies for, and approve, current and long-range educational plans and programs and to promote orderly growth and development of the colleges within the district. (page 29)

    *a. To establish policies for, and approve, academic master plans.

    b. To establish policies for, and approve, long-range master plans for facilities.

*3. To establish policies for, and approve, the total educational program of the college or colleges.
(Statutes and Administrative Code sections now prohibiting the complete exercise of this authority should be repealed and/or made inapplicable to districts maintaining junior colleges.) (page 30)

    *a. To establish policies for, and approve, all educational programs and to submit such programs to the Board of Governors for approval.
    (A program is defined as a series of courses leading to a degree, a certificate, a diploma, or transfer to another institution of higher education.)

    *b. To establish policies for, and approve, all individual courses of study without referral to the Board of Governors.

    c. To approve all classes for adults and to submit such classes to the Board of Governors for approval. (page 30)

    d. To establish policies for, and approve, all other programs and services of the college. (page 31)

    *e. To establish policies for, and approve, procedures for the adoption of instructional materials. (page 31)

*4. To establish the school calendar.
(Districts maintaining junior colleges should be exempted from statutes now prohibiting the complete exercise of this authority.) (page 32)

5. To establish academic standards, probation-dismissal-readmission policies and graduation requirements not inconsistent with the minimum standards adopted by the Board of Governors. (page 33)

6. To determine and control the district's operational and capital outlay budgets. (page 34)

7. To present the budgets to county authorities for the purposes of establishing the district tax rates. (page 35)

8. To determine the need for elections for over-ride tax levies and bond measures and to request that such elections be called. (page 35)

9. To manage and control district property. (page 36)

*10. To contract for the procurement of goods and services. (page 37)

11. To receive and administer gifts, grants and scholarships. (page 37)

12. To establish student fees as authorized by law. (page 37)

*13. To employ and assign all personnel and to establish employment practices, salaries, and benefits for all employees not inconsistent with minimum standards adopted by the Board of Governors and with law. (page 38)

14. To provide such auxiliary services as deemed necessary to achieve the purposes of the college. (page 39)

*15. To establish rules and regulations governing student conduct. (Districts maintaining junior colleges should be exempted from Education Code statutes now prohibiting the complete exercise of this authority.) (page 39)

16. To provide such classes, programs and facilities under the provisions of the Community Service Act, the Civic Center Act and the Recreation Act as deemed appropriate. (page 40)

*17. To establish procedures not inconsistent with those established by the Board of Governors that will insure faculty and students the opportunity to express their opinions at the campus level and will insure that those opinions are given every reasonable consideration. (page 42)

*18. To apply directly to federal agencies or state agencies operating federal programs in order to obtain federal funds in accordance with general policies of the Board of Governors. (page 42)

DISCUSSION OF THE SUGGESTED DIVISION OF FUNCTIONS

To permit an understanding of each of the functions assigned to the Board of Governors or to the local governing boards, a brief description of each particular function and its current status is provided below together with the reasons for the assignment of each function to the respective board. It should be noted that many of the functions are shared between the Board of Governors and the local boards and are not the exclusive responsibility of one or another of the boards.

FUNCTIONS OF THE BOARD OF GOVERNORS

1. To be responsible for the overall orderly growth and development of California's junior colleges.

The State Board of Education had many specific duties and considerable specific powers over the functioning of public junior colleges, the result of very extensive Education Code provisions delegating to the State Board the responsibility for the supervision of the public schools.

The State Board also had vast general power over the junior colleges as a result of two specific Education Code sections. The first section directs the Board to ". . . adopt rules and regulations not inconsistent with the laws of the state . . . for the government of the day and evening secondary schools, and the technical and vocational schools . . . and such other schools as may receive in whole or in part, financial assistance from the State." (Education Code, Section 152)

In the second provision (Education Code, Section 22650), the Legislature had directed the State Board to prescribe minimum standards for the formation, operation and general supervision of the public junior colleges. Both of these sections may be described as having delegated vast reserve power to the State Board to prescribe and direct how local school districts (including junior colleges) shall function. In practice, the State Board of Education exercised a minimal amount of this general authority in relation to junior colleges.

Transfer of the powers contained in these two Education Code sections, insofar as they relate to the governance of junior colleges, now confers the same general authority over junior colleges to the Board of Governors of the California Community Colleges.

The Board of Governors already has the responsibility for orderly growth and development under its general authority for the governance of junior colleges. In establishing the Board, the Legislature intended "that the Board of Governors . . . shall provide leadership and direction in the continuing development of junior colleges as an integral and effective element in the structure of public higher education in the state. The work of the Board shall at all times be directed to maintaining and continuing to the maximum degree permissible, local autonomy and control in the administration of the junior colleges." (Education Code, Section 196)

a. To approve plans for and advise on the formation of new districts and the reorganization of existing districts.

As it pertains to junior colleges, this authority has now been transferred to the Board of Governors by authority of Education Code Section 197. By placing the function of "district formation and reorganization" under the general function of "promoting orderly growth and development," the intent is to show that district organization is a major responsibility. In addition, the Legislature has often indicated its intent that all the territory of the state should be included in junior college districts. The Master Plan for Higher Education recommends that "all the territory of the state not now included within districts operating junior colleges be brought into junior college districts as rapidly as possible, so that all parts of the state can share in the operation, control and support of junior colleges." The Board of Governors should use all available resources to see that this goal of the Legislature and the Master Plan is achieved as soon as possible.

b. To coordinate and encourage interdistrict, regional and statewide development of junior college programs and facilities.

The Board of Governors has the authority to carry out this function under the general authority provisions for the governance of junior colleges. This, however, should be a major leadership responsibility of the Board. Little attention was given to this function by the State Board of Education. As a result, local initiative pioneered whatever regional planning has taken place. Too often regional planning has taken place only as a result of financial considerations. Reference is made to this function in several of the following sections.

c. To approve the offering of out-of-district classes.

A local board may now offer classes outside its district, primarily for students who are non-residents of the district if: (1) the governing board of a high school district not a part of a district maintaining a junior college, with the approval of the county board of education, requests that the courses be offered and, (2) the local board requests and receives annually the prior written approval of the Board of Governors. Approval of such programs can be an important element in coordinating interdistrict and regional junior college programs. Authority to permit or deny the offering of classes in non-district territory could be significant in encouraging such non-district territory to form a junior college district or annex to an existing one. In the past, approvals have been handled in a very routine manner. The Board of Governors may wish to re-examine the past procedures relating to out-of-district classes.

d. To review and approve academic master plans for each junior college district; and

e. To review and approve master plans for facilities for each junior college district.

Under the Junior College Construction Act of 1967, local boards are required to prepare and submit to the Board of Governors by September 1 of each year a 10-year junior college capital construction plan. The plan must set forth future academic programs, enrollment projections, enrollment capacities of the districts' facilities and an annual inventory of all the facilities in the district. The plan must be updated and modified annually. The Board of Governors is required to review and evaluate the plan, make such revisions and changes as are appropriate, and approve or disapprove the plan by December 1 of each year. Submission and approval of such plans is required whether or not the local board intends to request funds under the State Construction Act.

No similar provisions exist that require each local board to develop an academic master plan and submit it for review and approval by the Board of Governors. The present law only requires that the district's capital construction plan include "the plans of the district concerning future academic programs, and the effect on estimated construction needs which may arise because of particular courses of instruction or subject matter areas to be emphasized."

This proposed review and approval of academic master plans developed and submitted by local boards is a new and major function being recommended for the Board of Governors. The development of master plans by local boards and their review and approval by the Board of Governors should add significantly to the orderly growth, development and coordination of junior college programs, particularly in the vocational-technical area. This review and approval should also be of great assistance to local districts in their long-range planning of programs at individual institutions.

2. To establish minimum standards to govern academic standards and probation-dismissal-readmission policies.

At present, there are no statutory minimum standards concerning academic probation or dismissal. Nor does the Board of Governors have such authority under a specific statutory grant of authority. The State Board of Education adopted administrative regulations covering minimum standards for scholarship, which local boards may exceed by requiring higher standards. These minimum standards, which continue to apply to junior colleges, set the grade point average required to maintain academic standing in the college. These standards also determine: (1) when a student shall be placed on probation; (2) when a student is to receive special counseling; and (3) when a student's grades require dismissal. The dismissal standards apply to the student's dismissal, as well as readmission or reinstatement at that junior college. Under the minimum standards, a dismissed student is eligible for readmission to the college from which he was dismissed upon the elapse of one semester or two quarters. Thus, the "open door philosophy" is applied not only to entrance, but also to re-entry.

As state standards are presently written, a dismissed student may seek readmission at any other junior college to which he is otherwise eligible to attend (e.g., by virtue of his residence status or interdistrict attendance agreements), without the elapse of at least one semester as required for readmission in the college from which he was dismissed. In practice, most junior colleges apply the same standards to students from other districts as they do to their own students. However, the readmission standards for a student dismissed from one district should be rewritten so that they are the same as for his readmission to any other district.

Although the State Board of Education adopted minimum standards to govern academic standards and probation-dismissal-readmission policies through the Administrative Code (Title V), the responsibility for this important function should be placed in the statutes as a specific duty of the Board of Governors, rather than an implied one.

3. To establish minimum standards for graduation requirements.

Local boards presently have the duty to establish graduation requirements as long as they are consistent with regulations adopted by the Board of Governors and with statutes establishing the minimum credit hours for graduation. A minimum of 60 credit hours must be completed for graduation from a two-year junior college. The Education Code still provides for four-year junior colleges, where the first two years of the program are taken in the first two years of high school. In this case a minimum of 120 credit hours is required.

The Board of Governors has re-adopted administrative regulations concerning graduation requirements for an Associate of Arts degree and an Associate of Science degree. The Board has defined satisfactory completion of the credit hours required as a "C" average. It has specified that the content of the curriculum must include 20 semester hours in a specified field of study, plus American History, Institutions and Ideals, California Government and Physical Education, in line with statutory requirements. The curriculum must also include such oral and written English courses as the governing board may establish.

Junior colleges may maintain classes for adults. Local boards have the statutory duty to prescribe the requirements for granting of diplomas for such courses. The Board of Governors must approve the requirements. The student must, however, meet the statutory requirements covering history and government. The local board may grant appropriate credit, certificates, diplomas or other recognition of skill or accomplishment for completion of adult classes. The Board of Governors has the statutory responsibility to establish standards for adult classes, to approve each course for apportionment of state funds and to assure that the course of study and graduation requirements conform to those imposed by statute.

A junior college board is authorized to give community service classes without the approval of the Board of Governors, and the local board may grant certificates or other recognitions of skill or accomplishment for completion of these classes without any approval by the Board of Governors.

Those sections of the Education Code that now prescribe the minimum number of credit hours and certain subject matter requirements for graduation should be made inapplicable to junior colleges in order to permit the Board of Governors to establish minimum standards appropriate to junior colleges. Such mandatory requirements are more appropriate to elementary and high school education where attendance is mandatory than to junior college programs.

4. To approve all educational programs in the junior colleges; and

5. To establish criteria and standards for graded and non-graded classes and to approve individual classes for adults that are eligible for state apportionments.

Establishing procedures for the development and the approval of an institution's educational program are two of the most important functions performed by any governing board. The two functions shown above (numbers 4 and 5) taken in conjunction with numbers 3a and 3b under the functions of the local board and the further recommendation for the elimination of certain statutory requirements, involve a significant change in the present system. Therefore, a more complete discussion of the entire matter of educational programs is presented here than is presented in other areas of this report.

Major responsibility for the development of individual courses-of-study currently rests with the local board, however, all courses must be approved by the Board of Governors. In addition, the Legislature has established, by individual statutes, a number of courses and course requirements. No one is legally responsible for the development and approval of educational programs. In order to understand the present system, the responsibilities of the local board, the Board of Governors and the Legislature are set forth below.

The Board of Governors currently has the following authority and duties with respect to curriculum in the junior colleges:

(1) The Board has the authority, unless the Legislature has directed otherwise, to adopt rules and regulations for the governance of courses of study.

(2) The Board is required to establish criteria and standards for graded and non-graded classes. The criteria for graded junior college courses, as set forth in the Administrative Code (Title V), requires that a graded course (class) possess one or more of the following characteristics:

(a) The course provides credit toward an associate degree; is normally considered of collegiate level; and is approved by the Board as a component of, a prerequisite to, or eligible as a required or elective course; a course of study which leads toward an associate degree.

(b) The course is approved by the Board and is part of an occupational course of study of beyond high school level.

(c) The course is approved by the Board and is recognized upon transfer by a four-year institution of higher education as a part of the required preparation toward a major; general education requirement; or elective credits.

The standards for graded classes, as also set forth in the Administrative Code, require that any course meeting one or more of the above criteria must also meet all of the following:

(a) It is a course approved by the Board, the content of which is organized to meet the requirements for the associate degree or requirements for an occupational certificate and is a part of a course of study not exceeding 70 units.

(b) It must be offered as described in the college catalog which provides an appropriate title, number, and accurate description of course content.

(c) It is a course in which are enrolled only those students who have met the prerequisites for the course.

(d) It is subject to the published standards or matriculation, attendance and achievement of the college and the enrollees are awarded marks or grades on the basis of methods of evaluation set forth by the college.

(e) It is a course in which enrollment shall not be repeated except in unusual circumstances.

(3) The Board must approve all junior college classes before state funds are apportioned for attendance of students enrolled in those courses.

(4) The Board has specific grants of authority to establish standards for work experience education, physical education instruction, aviation education, etc.

(5) The Board approves the establishment of classes for adults and establishes standards for such classes. No state apportionment is made to any class for adults which has not been approved by the Board.

(6) The Board has the duty to ensure that a number of provisions relating to specific courses established by the Legislature are enforced.

The Legislature has enacted the following statutes affecting curriculum and educational programs within the junior colleges. This list is not necessarily complete, but designed to be illustrative.

(1) The Legislature has provided that junior colleges shall offer instruction through, but not beyond, the 14th grade level with instruction in, but not limited to, transfer courses, vocational and technical instruction and general or liberal arts courses. Courses may be designed to prepare students for admission to the upper division of other institutions of higher education and such other courses of instruction designed to prepare persons for agricultural, commercial, homemaking, industrial and other vocations and such courses of instruction as may be deemed necessary to provide for the civic and liberal education of the citizens of the community.

(2) The Legislature has required that all California schools, public or private, must give regular courses in the U.S. Constitution, American history, the California Constitution, and California history.

(3) The Legislature has required that courses in geography, U.S. history and the Constitution, the Declaration of Independence, civics, and American Institutions and Ideals are prerequisites to advanced coursework in sociology, political science, economics, foreign trade and foreign affairs.

(4) The Legislature has required that instruction upon the nature of alcohol, narcotics and restricted dangerous drugs be included in secondary school curriculum.

(5) The Legislature has required that public safety and accident prevention instruction be given in every secondary school.

(6) The Legislature has required that pupils enrolled in junior colleges, except those excused, must attend physical education courses for a minimum of 120 minutes per week.

(7) The Legislature has required that special instruction be given regarding the following holidays: Washington's and Lincoln's birthdays; Arbor Day; Susan B. Anthony Day; and instruction in the meaning of the U.S. Constitution on or about its anniversary.

Local governing boards have the following responsibilities with respect to curriculum and educational programs:

(1) To develop courses of study, subject to the approval of the Board of Governors.

(2) To establish and maintain classes for adults, subject to the approval of the Board of Governors.

(3) To establish community service classes (which do not receive state apportionments) without approval of the Board of Governors.

(4) To offer correspondence courses upon authorization of the Board of Governors.

(5) To ensure that the directives regarding specific classes or areas of instruction as established by the Legislature are carried out.

The new assignment of functions proposed above would continue to place the responsibility for the establishment of criteria for graded and non-graded classes with the Board of Governors. The responsibility for approval of individual courses of study in classes for adults should also be maintained by the Board of Governors. The local board should assume responsibility for the development and approval of all educational programs in the college. A program is defined as a series of courses leading to a degree, a certificate, a diploma, or transfer to another institution of higher education. The local board should have exclusive authority to approve all courses of study within these educational programs. The present authority for the approval of each course of study now vested in the Board of Governors should be eliminated and replaced with the responsibility of reviewing and approving all educational programs as developed, approved and submitted by local boards. The Board should have authority to require any needed information to make reasonable and meaningful approvals and to determine how often and in what manner such approvals should be made. All those sections of the Education Code requiring specific types of instruction--many of which are intended for high schools and apply to the junior colleges only because they are a part of secondary education--should be made inapplicable to junior colleges, and specific authority for the approval of individual courses of instruction should be granted by statutes to local governing boards.

The State Curriculum Commission is directed by statute to study problems of courses of study and make recommendations to the State Board of Education regarding minimum standards for courses in kindergarten through the 14th grade. Courses of study in public schools are required to conform to such minimum standards when adopted. The State Curriculum Commission, which spends most of its time recommending the adoption of textbooks, is clearly not oriented to higher education and its authority should be made inapplicable to junior colleges.

6. To establish minimum standards for the employment of professional staff in junior colleges.

At present, the Education Code establishes, by an extensive and highly detailed credential or licensing structure, the minimum standards of preparation, education, and assignment to subject matter or position areas for professional staff in junior colleges.

All employees hired to fill an "educational position" must hold a certificate authorizing them to perform such service. In general, "educational position" covers all positions involved in the following work: the instruction of pupils; counseling; guidance and placement services; school extra-curricular activities related to the instructional and guidance program; planning courses of study; selection and preparation of instructional materials; selection, assignment, and in-service training of certificated personnel; research connected with the instructional programs; the health programs; student welfare and attendance services; and activities connected with the enforcement of school laws; school library services; the preparation and distribution of instructional materials; and the administration and supervision of personnel in "educational positions." All other positions, with certain exceptions for part-time and temporary employees, are defined by law as classified positions. The statutory qualifications established for them are general and do not involve professional preparation or training.

The same general statutory credential structure also applies to professional staff in elementary and high schools. The statutory requirements covering preparation and training are strict and detailed, leaving little room for administrative exceptions, either by the regulations which have been adopted by the State Board of Education or by the local boards. County boards of education are responsible for assuring the quality of the preparation of professional staff who have not met the requirements to receive, or have not yet been granted, a credential issued by the State Department of Education.

The State Board of Education has responsibility to further implement the statutory requirements by adoption of administrative regulations expanding on the definitions used in the statutory structure, and in the in-service training, classroom teaching or other experience requirements. In the case of the basic junior college teaching credential, the Board has expanded only minimally on the requirements as stated in the Education Code which specify a Master's or higher degree in a subject commonly taught in the junior colleges. The regulations define and require certain major, minor, and academic subjects as qualifying one to teach. The regulations regarding teaching experience may be met while teaching on the job. The teacher holding this credential is to be assigned only to teaching in his major subject matter area or, with the specific approval of the local board, his minor area.

Various other credentials also qualify a teacher to teach designated subject areas, provide pupil personnel services, or provide supervisory or administrative services. Statutory requirements and administrative regulations controlling the issuance of these credentials are intended to apply primarily to elementary and high schools. As a result, unnecessary or inappropriate qualifications are often placed on the hiring of professional personnel in junior colleges.

The statutes require both specific and general grounds for revocation of credentials and place the responsibility for the enforcement and administration of hearings thereon, on the State Board of Education. The law provides for a Committee on Credentials consisting of the Superintendent of Public Instruction and eight members appointed by the State Board of Education. The State Board may delegate responsibilities by policy directions to this committee, but the ultimate responsibility for action rests with the State Board. Confusion and litigation may be anticipated unless legislation is enacted to clarify the role of the Board of Governors vis-a-vis the State Board of Education in the administration of these revocation procedures, and the role of the Committee on Credentials.

The Education Code also provides for a Teachers Professional Standards Commission consisting of the Superintendent of Public Instruction and twelve members appointed by the State Board of Education to serve in an advisory capacity to the Board on standards and policies for development and maintenance of the system of licensing of certificated personnel. Here again, the role and responsibility of this Commission vis-a-vis the Board of Governors with respect to all the credentials required in the junior colleges presents a dilemma that needs to be clarified by law.

The authority to establish minimum standards for the employment of junior college professional staff by the Board of Governors and the employment of professional staff meeting those minimum standards (or higher ones if the local board desires) would provide a large degree of flexibility and local control. Both of these features are absent from the current system. Such flexibility would also be more in keeping with the practices for employment of professional personnel in institutions of higher education, than with those used in elementary and high schools. Theoretically the Board of Governors and the local boards have this authority now. However, by the enactment of specific legislation (The Fisher Act), any actual authority has been precluded. In order to permit the Board of Governors and the local boards to assume this responsibility and to be able to exercise it properly, those sections of the Education and Administrative Codes which now govern credentials should be amended to make them inapplicable to junior colleges.

7. To conduct necessary statewide research on junior colleges and to provide appropriate information services.

   a. To determine definitions for the purpose of uniform reporting.

   b. To collect, compile and analyze data for effective planning and coordination.

   c. To disseminate information.

      All of these functions are currently vested in the Board of Governors either by specific or implied statutory authority and no changes are recommended. This function is highlighted here because the Board of Governors can and should exert a leadership role in providing information regarding the junior colleges to agencies of state government, the federal government, other segments of education, the Coordinating Council, and individual junior college districts. This service function is also important in enabling the Board of Governors to perform their responsibility for the coordination of interdistrict, regional and statewide development of junior college programs.

8. To facilitate articulation with other segments of higher education and with secondary education.

No specific statutory authority to perform this function is currently assigned to the Board of Governors, although it could perform such acts under its general powers provisions. While individual junior colleges will need to continue to articulate their educational programs with those of the high schools, colleges, and universities within their immediate areas, the need for increased statewide direction, assistance and planning has been apparent for a number of years. This function is closely allied with the responsibility for orderly growth and development.

9. To represent junior colleges before state and federal legislative and executive agencies.

No specific statutory authority to perform this function is currently assigned to the Board of Governors, although it could make such presentation under the Board's general powers provisions. It is included in this list of major functions in order to emphasize the need for leadership by the Board in speaking for, and presenting information on, all aspects of the junior colleges and all matters affecting junior colleges. This function needs to be performed at the state level and, to an ever increasing extent, at the federal level.

10. To administer state support programs (both operational and capital outlay) and those federally supported programs for which the Board of Governors has responsibility by state and/or federal law.

No change in present functions is made by this recommendation. The Board of Governors is responsible for the determination of junior college apportionments under the state school fund, to be carried out under the provisions of special legislation adopted at the 1968 session of the Legislature. The Board has responsibility for the administration of the Junior College Construction Act of 1967 which has been discussed under number one above. The Board also has responsibilities for certain federally funded programs which are shared with the State Board of Education. These include vocational education, the National Defense Education Act, funds to federally impacted districts (P.L. 815 and 874), etc. Because of the wording of Congressional acts, certain federal programs must be shared or jointly administered with the State Board of Education. This produces some difficulties in making necessary administrative arrangements. These difficulties, however, do not arise from a division of functions between local boards and the Board of Governors and are not, therefore, commented upon here. Clearly all aspects or portions of those programs (federally or state financed relating to junior colleges) previously administered by the State Board/State Department of Education, are, and should be, the responsibility of the Board of Governors.

11. To establish a uniform system of budgeting and accounting for districts maintaining junior colleges.

Responsibility for the adoption of a uniform system of budgeting and accounting has been vested in the past solely with the State Board of

Education and the Superintendent of Public Instruction. Each school district is required to record its financial affairs in accordance with the definitions, instructions and procedures published in the California School Accounting Manual, approved by the State Board of Education. This responsibility on the part of junior colleges has now been transferred to the Board of Governors. Definitions and classifications required by the California School Accounting Manual have in the past applied uniformly to the entire system of elementary and secondary schools, including junior colleges. By statute, school districts maintaining junior colleges must provide the Board of Governors with reports as to revenues and expenses of the district for junior college purposes in accordance with rules and regulations and on forms adopted by the Board.

It will now be the responsibility of the Board of Governors to review this system of budgeting, accounting and reporting and determine whether it is appropriate for junior colleges. If so, the Board may approve the current system. If not, the Board may approve a new system as long as it is uniform for all junior colleges in the state. Such a function for the Board of Governors is both appropriate and desirable.

12. To establish out-of-state tuition fees and advise on procedures governing the admission of out-of-state students and foreign students.

Local boards, by adopting and applying uniform regulations within the districts, now have the discretion of whether or not to admit out-of-state and foreign students. If they admit such students, the Education Code requires that they charge a tuition fee, with certain exceptions. The local board may grant uniform exceptions to students taking six units or less, students who are both citizens and residents of a foreign country, and students who are military personnel or dependents of military personnel. Except for these exemptions, the Education Code requires that local boards charge a tuition fee to out-of-state and foreign students. This fee is established by the Board of Governors, based on the amount which the Board determines is the average cost of instruction among all junior colleges in the state. The Board must also adopt a per-unit tuition fee for such students who are less than full time.

Except for the statutory responsibilities for establishing fees, the Board of Governors does not have any authority to establish procedures to govern the admission of out-of-state or foreign students, except under its general powers provisions. The discretion of whether or not to admit such students is left by statute with the local board. The local board also has the statutory authority to contract with the state, the federal government, or a foreign country for the payment of the out-of-state or foreign student tuition fees.

This proposed change in functions would require the Board of Governors to establish procedures governing the admission of out-of-state students and foreign students as advice to local boards. The local board would continue to have the authority to accept or reject these procedures, but the advice and service provided by the Board of Governors would be very useful.

13. To establish procedures governing inter-district attendance agreements and restrictions on attendance between districts.

Present law provides that an interdistrict attendance agreement may be entered into between two districts specifying the terms and conditions under which district residents of one district may attend a junior college in the other district. The agreement may be for any period of time, but not less than one year. Tuition charges, including charges for the use of buildings and equipment, may be specified as part of the terms and conditions of the agreement. A district may currently restrict admission of its residents to junior colleges in another district or may restrict admission of residents from another district into its junior colleges by means of a notice of restriction. The Board of Governors has no authority over these agreements.

The recommendation to require the Board of Governors to establish procedures governing these attendance agreements and the "notice of restriction to attend" is assigning a function to the Board of Governors which has previously resided entirely with the local boards. The change is proposed to permit the Board of Governors to carry out their functions on orderly growth and development and to coordinate and encourage interdistrict, regional and statewide development of junior college programs. Procedures established at the state level can facilitate the development of interdistrict and regional programs and thus make the greatest use of existing facilities and programs and provide quality education to students in a more efficient and equitable manner.

14. To establish space and utilization standards for facility planning in order to determine eligibility for state funds for construction purposes.

The Junior College Construction Act of 1967 requires the Board of Governors to adopt space and utilization standards for junior college classrooms and laboratories in order to determine current enrollment capacity of the junior college district. The Board is also required to adopt physical plant standards for office, library and supporting facilities and standard definitions, forms and instructions to be used in an annual inventory of all the districts' facilities. The State Board of Education adopted such standards upon recommendation of the Coordinating Council and placed them in the Administrative Code (Title V) several years ago. No change is recommended in this statutory function. The establishment and application of such standards need to be uniform and therefore must be established at the state level.

15. To establish recommended procedures regarding campus site selection.

Statutes currently require that before a local board acquires a site, it must be investigated by competent personnel to insure: that the final site selection will be determined by an evaluation of all factors affecting the public interest; that geological and engineering studies have been made; that location near airports has been reviewed; and that the site has been evaluated with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, etc. Using procedures adopted by the State Board of Education, the staff of the State Department of Education has conducted such studies in the past and has issued reports to local boards. The reports are advisory only. If the report does not favor acquisition of the site, the local board is required to have a public hearing and then after 30 days may acquire the site if it so desires. It is recommended that this valuable advisory service be continued by the Board of Governors.

16. To plan for, and advise on, financial assistance and scholarship programs for junior college students.

No specific statutory authority now exists for the Board of Governors to administer scholarship or student financial aid programs nor to plan for, or advise on, student assistance or scholarship programs for junior college students. The State Scholarship and Loan Commission administers a state scholarship program in which junior colleges participate. The scholarship portion of the program is aimed primarily at students enrolled in, or anticipating attendance at, four-year colleges and universities. The scholarships are granted for tuition and fees only. Scholarships awarded to students who attend junior colleges are placed in reserve and are paid only when the student actually enters a four-year institution. The state guaranteed bank loan program has been terminated and replaced by a similar federal guaranteed loan program administered by the U.S. Office of Education. Junior college students have received loans under both the state and federal programs.

New 1968 state legislation, to become effective in 1969-70, provides for the State Scholarship and Loan Commission to administer a special college opportunity grant program consisting of 1,000 grants for tuition and fees, plus up to $1,100 for subsistence. The intent of the Act is that the additional opportunities shall be "initiated primarily in the public junior colleges." The amount of funding for the program is still uncertain.

Financial aid programs or scholarships that are presently available for junior college students are administered by the local boards or by a number of different federal agencies. These programs are available to the student principally through his own initiative in seeking out such aid. Where local boards have aggressive policies directed toward identifying needy students and helping them to qualify for one of the public or private scholarship or loan programs, the student's chance of qualifying is greatly enhanced.

Developing plans for student financial assistance programs on both the state and local level and the coordination of existing programs should be a newly defined responsibility of the Board of Governors. Development of such plans and providing advice on individual programs could be of service and assistance to junior colleges. The Board of Governors should also advise the State Scholarship and Loan Commission and any other appropriate state agency on assistance and scholarship programs for junior college students.

17. To establish minimum procedures to be used by local boards that will insure faculty and students the opportunity to express their opinions at the campus level and will insure that those opinions are given every reasonable consideration.

The basic law with respect to the expression of organized faculty opinion is found in the Education Code provisions providing for the rights of employee organizations and in the Administrative Code provisions adopted by the State Board of Education (and readopted by the Board of Governors) providing for the rights of faculty to establish academic senates.

Academic senates or various organizations of similar form existed at many, if not most, junior colleges prior to 1963, although they had no formal recognition in the structure of district or state governance. In 1963, the Legislature passed A.C.R. 48 which requested the State Board of Education ". . . to provide for the establishment at each junior college of an academic senate or council wherein the faculty members shall be freely selected by their colleagues for the purpose of representing them in the formulation of policy on academic and professional matters at . . . junior colleges . . ."

Acting on this recommendation, and pursuant to its general authority over junior colleges, the State Board of Education in 1964 promulgated Section 131.6 of the Administrative Code (Title V) and made certain amendments and additions to these regulations in 1967.

The initial decision to form an academic senate must be made by secret ballot by the faculty. Faculty is defined as certificated personnel whose position does not require administrative or supervisory credentials. Once the faculty has decided to form an academic senate or council, the local board must authorize it and give the faculty control over its constitution, by-laws, and membership. The only restriction placed on the faculty is that the selection of representatives to the senate must be ". . in accordance with democratic election procedure." The academic senate must present its written views and recommendations to the board through proper channels and the board must consider and respond to such views and recommendations. The local board may delegate tasks or responsibilities to the academic senate but not its own ultimate authority. The Administrative Code regulations provide that the senate may assume or perform such responsibilities and functions (of the district) as the local board or administration may request of it.

In addition, by Education Code provisions, employees are given the right to join or not join employee organizations and the employee organizations have the right to "meet and confer" with the local board or its representative in regard to the conditions of employment. Under this structure, an organization representing certificated employees, or a council of their representatives formed by law, where there is more than one, is authorized through this representational structure to "meet and confer" with regard to "all matters relating to the definition of educational objectives, the determination of the content, courses and curriculum, the selection of textbooks, and other aspects of the instructional program . . ." Academic senates where established according to regulations also have the right to "meet and confer" with the local board in regard to "academic and professional matters."

The Board of Governors should continue to carry out the function presently assigned and should consider this an important task. The function as proposed enlarges upon the concept of the assurance of expression of faculty opinion by requiring the Board of Governors to establish procedures whereby students can be given an opportunity to express their opinions at the campus level. This may be done through the mechanism of student body associations, the creation of which are now authorized by law at each college subject to the approval of the local board, or through any other method which the Board of Governors deems appropriate.

18. To adopt rules and regulations, not inconsistent with the laws of the State of California, for the governance and supervision of the public junior colleges.

FUNCTIONS OF THE LOCAL GOVERNING BOARDS

1. To establish rules and regulations for the governance and operation of one or more colleges in a district and to delegate appropriate authority to officers, employees or committees of the district, the college or the board.

A junior college district is a corporation organized for educational purposes and is a "person" in a legal sense. It is a public corporation, and has been classified as a quasi-municipal corporation. As such, it has only the authority the Legislature confers upon it. It has been said to be a quasi corporation of the most limited power known to the law. (43 Cal. Jur.2d, Schools)

Since the state discharges some of its governmental functions relating to education through school districts, such districts are state agencies. They are political divisions of the state designed for the promotion of general education purposes. They are agencies of the state for the local operation of the state school system. They are independent and separate government agencies distinct from the counties or cities in which they are situated.

Subject to general constitutional limitations, the power of the Legislature in school district matters is plenary. It may create, divide, change or abolish districts at its pleasure, either directly or through a local body to whom it delegates such legislative action. In so doing, it may make such provisions respecting the property and obligations of the district as it deems equitable and proper. Even the beneficial ownership of the fee title to school district properties is vested in the state. The district holds legal title as trustee.

The governing body of a junior college district is the board of school trustees or board of education, referred to herein as the local board. Members of the local board occupy a public office; they are state officers. The local board selects a superintendent who is the chief executive officer of the district. The board acts through the action of a majority of its members at duly called board meetings.

The local board, as distinguished from its superintendent and employees, must take all actions authorized or required by law to be taken by the board and must approve or authorize all programs and activities in which the district is to engage. It cannot delegate this responsibility. The Education Code grants a few areas to the local board wherein it is given sole responsibility for determination. Many more areas of responsibility are granted to the local board subject to regulations or standards adopted by the Board of Governors, or subject to the specific approval of the Board of Governors.

Unlike many other public or private entities established to accomplish a purpose, such as to maintain an educational program, the local board is not vested with all reasonable and necessary powers to carry out its responsibility to operate a junior college program. The local board has no powers other than those specifically delegated to it by the Education Code or granted to it by the regulations of the Board of Governors, not inconsistent with the law. It has such powers as are reasonable and necessary to carry out its specific responsibilities. In effect, the Education Code covers most aspects of these responsibilities in great detail and specificity. The result is that the local boards' powers are severely limited in comparison to other segments of public higher education. The local board may prescribe and enforce rules and procedures for its own government, not inconsistent with the Code. The local board has the duty to maintain a junior college program and may employ and assign personnel. It has the right to manage and control school property. In each of these areas, the local board must itself act, as a matter of record, rather than adopt broad policies and delegate responsibility to officers or employees for their implementation.

Legislation to permit the local board to delegate such powers and responsibilities to any of its officers or employees as it may designate, similar to the power granted by the Education Code to the Trustees of the California State Colleges, would free the local board from many time-consuming, prefunctory tasks and allow more time to be spent on policy deliberations. Local boards could be more flexible in carrying out their responsibilities if statutory changes were made to free them from much of the detail as to how they shall act and instead grant them broader general powers, reasonable and necessary to carry out their general purpose.

2. To establish policies for, and approve, current and long-range educational plans and programs and to promote orderly growth and development of the colleges within the district.

   a. To establish policies for, and approve, academic master plans; and

   b. To establish policies for, and approve, long-range master plans for facilities.

   These two functions were discussed at greater length in number one under functions assigned to the Board of Governors.

   Local boards now have the responsibility for long-range planning of the college or colleges within their districts. All local boards are required by the Junior College Construction Act of 1967 to prepare long-range master plans for facilities and submit them for approval to the Board of Governors.

These capital construction master plans must also include "the plans of the district concerning future academic programs, and the effect on estimated construction needs which may arise because of particular courses of instruction or subject matter areas to be emphasized." Although local boards are not presently responsible for specifically developing an academic master plan, most local boards have done so. The development of academic master plans by local boards and their review and approval by the Board of Governors should add significantly to the orderly growth, development and coordination of junior college programs.

3. To establish policies for, and approve, the total educational program of the college or colleges.

   a. To establish policies for, and approve, all educational programs and to submit such programs to the Board of Governors for approval.

   b. To approve all individual courses of study without referral to the Board of Governors.

   c. To approve all classes for adults and to submit such classes to the Board of Governors for approval.

A complete discussion of the various assignments of functions relating to educational programs was presented above under numbers four and five of the list of functions of the Board of Governors.

Local governing boards currently have the following primary responsibilities with respect to education programs and courses of study:

(1) To develop courses of study. Each course of study must, however, be approved by the Board of Governors.

(2) To establish and maintain classes for adults, subject to the approval of each individual class by the Board of Governors.

(3) To ensure that directives regarding specific classes or areas of instruction as set forth in statute are carried out.

(4) To establish community service classes that do not receive state apportionments without approval of the Board of Governors.

The proposed changes in functions recommended in this study would make the local board responsible for developing and approving all educational programs[1] and then submitting those programs to the

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[1] A program is defined as a series of courses leading to a degree, a certificate, a diploma, or transfer to another institution of higher education.

the Board of Governors for its approval. Responsibility for the approval of each individual course-of-study would be transferred from the Board of Governors to the local board. The local board would continue to be responsible for developing courses of study in accordance with criteria for graded and non-graded classes established by the Board of Governors. Individual classes for adults that are eligible for state apportionments would also continue to be approved by the local board and subsequently by the Board of Governors. Community service classes are ineligible for state apportionments and therefore would continue to be approved exclusively by the local board.

It is also recommended that all those sections of the Education Code requiring specific types of instruction (alcohol, drugs, Arbor Day, etc.) be made inapplicable to junior colleges in order to permit the local board the greatest possible latitude over the control of the college's curriculum.

d. To establish policies for, and approve, all other programs and services of the college.

Presently, the local board has the responsibility for establishing policies approving and offering other educational services, important in carrying out the goals of a junior college. These include, but are not limited to, counseling, guidance, health services, inter-collegiate activities, job placement, etc. It is essential that the development and approval of these services, many of which vary from community to community, remain solely within the authority of local boards.

e. To establish policies for, and approve, procedures for the adoption of instructional materials.

In practice, junior colleges presently use such instructional materials as the local board approves. The local board has the responsibility of originating a course of study, subject to the Board of Governor's approval, and the duty of enforcing the course of study and textbooks as prescribed and adopted by the proper authority.

Certain general restrictions in the Education Code apply to all school districts. One, for example, directs that preference be given to texts produced in California; another directs the State Superintendent of Public Instruction to adopt approved lists of texts for use in instruction in American Institutions and Ideals and California Government and History. Assuming that the term "course of study" is interpreted broadly to include the textbooks and materials to be used in the course, as the term is applied in relation to elementary and high schools, the Board of Governors has the authority and duty to approve all such materials.

In addition, the State Curriculum Commission may recommend standards as to instructional materials and texts used in a course of study.

In practice, neither the State Curriculum Commission, the State Board of Education, the State Department or Superintendent of Public Instruction have acted in this area in relation to junior colleges other than as specifically required by law (e.g. the State Department's duty to compile a physical education manual).

The State Board of Education's specific powers as to texts and instructional materials seem to have been directed at elementary and high school education, but since the law sometimes refers to elementary and secondary education, the Board's authority in this area has extended to junior colleges as well. It should be noted, however, that the texts provided to pupils in elementary and high schools are free of charge and are adopted pursuant to a system designed to provide a considerable degree of uniformity at each grade level throughout the state, as distinguished from junior colleges where texts and materials are purchased by the student and where there is uniformity in materials used from college to college.

The local board is required to make annual reports to the Board of Governors as to texts and supplementary books used and also as to amounts expended on them. Again this requirement was obviously intended to relate to the enforcement of the use of state mandated text books, but it applies to junior colleges.

Local boards should have the sole responsibility for the adoption of texts and materials and to use whatever procedures are appropriate for such adoption. Legislation is necessary to insure and clarify that the Board of Governor's responsibility in this area is not to be the same as the State Board of Education's role on behalf of the elementary and high schools.

A recommendation was made under numbers four and five above in the list of functions of the Board of Governors that the operation and authority of the State Curriculum Commission be made inapplicable to junior colleges.

4. To establish the school calendar.

The Education Code provides that the school year is from July 1 to the following June 30th. The academic year is defined as that portion of the school year during which the regular day junior college is maintained. This period must include not less than 175 teaching days to entitle the district to apportionments of state funds. It defines a school month as 20 days or four weeks of five days each. By administrative regulations, the junior college school day is set at 180 minutes and the class hour at 50 minutes. Special provisions are established for adult programs and summer school.

The local board may divide the academic year into semesters or it may establish a quarter or trimester system. subject to the approval of the Board of Governors, and pursuant to regulations providing prorata credit for attendance for state apportionment. By administrative regulation, junior colleges may count up to five days set aside for student registration for apportionment credit when on a semester program, and two days for registration periods when on the quarter system. The local board may operate a summer school program of not less than six consecutive weeks between the end of one academic year and the beginning of the next.

By statute, except in the case of contagious disease or natural catastrophe, local boards are required to operate each school maintained by them for an equal length of time. Junior college graded classes, adult classes, and special education programs may be maintained on Saturdays, as well as the other days of the week. Local boards may declare a holiday when good reasons exist.

By statute, January 1, February 12, February 22, May 30, July 4, September 9, November 11, December 25, and Thanksgiving day are holidays. When any of these statutory holidays fall on Sunday, the college must be closed on the following Monday. Legislation recently enacted will require that when the statutory holidays fall on Saturday they will be recognized on the preceding Friday.

Within this general framework, the local board has the right to establish the school calendar. No apportionment for attendance, however, may be credited unless it is based on at least 175 days. In practice, local boards have worked out their own allocation of extended school holidays over Christmas and Easter vacation periods.

It is recommended that the local board be permitted greater flexibility in establishing its own school calendar, including which holidays it proposes to observe and on what days it will observe them, within the framework of providing the necessary number of days of instruction to qualify for state apportionment.

5. To establish academic standards, probation-dismissal-readmission policies and graduation requirements not inconsistent with the minimum standards adopted by the Board of Governors.

Local boards now have considerable autonomy in establishing academic standards so long as they are not inconsistent with the minimum requirements established by the Board of Governors. (See Sections 2 and 3 under list of functions of the Board of Governors for a complete discussion of this subject). The local board may establish exceptions to the state minimums by adopting and filing regulations as to such exceptions. The board must keep records of each student excepted under such provisions.

In theory, the local district is free to establish higher standards, such as requiring a higher grade point average for continuance in a program, or additional units in major or minor subject matter areas, or placing a student on probation or dismissing him sooner than the state minimum standards require.

6. To determine and control the district's operational and capital outlay budgets.

The local board has an important and complex function in exercising its responsibility to adopt an annual budget. No changes are recommended in this function. The present law requires that the budget be a complete plan and itemized statement of all proposed expenditures of the school district and all estimated revenues for the ensuing fiscal year, together with a comparison as to the budgeted items of revenue and expenditures and the actual revenue and expenditures for the past fiscal year. The budget also includes funds necessary to service the district's outstanding bond obligations.

The budget is required to be itemized by function and object, and by fund as directed by law, and in the manner and form prescribed by the Board of Governors. The budget may provide an amount for a general reserve in an amount that the local board deems sufficient to meet the financial needs for the following fiscal year until new revenues are received.

After adoption according to the detailed procedures provided by law, the budget is sent to the county superintendent of schools who passes on its proper form and determines the amount of money required in excess of all anticipated revenues of the district. This sum must be provided by a school district tax. The county superintendent then forwards the budget to the county board of supervisors who must fix a tax rate sufficient to provide the money to fund the balance of the district budget.

The budget controls the total amount that may be expended by the local board within each of the major budget classifications. Transfers may be made between expenditure classifications only by majority resolution of the local board, and from the undistributed reserve, only by a 2/3 vote of the local board.

In general, income accruing to the district in excess of the budgeted amounts is placed in the general reserve and cannot be expended during the current fiscal year except by a detailed procedure involving the county superintendent of schools and public notice. On the first day of July of each year, the general reserve, together with unexpended balances of apportionments and incomes in excess of anticipated income for the preceding fiscal year is continued to the credit of the school district in the county treasury. The school district must show its balance in the budget for the ensuing fiscal year.

All payments from the funds of the school district must be paid upon the written order of the local board. Each order is forwarded to the county superintendent and must be approved and signed by him before it becomes a requisition on the county auditor. The county superintendent is responsible for determining that the order is properly drawn for the payment of a legally authorized and budgeted expense against the funds of the district and that there are sufficient funds to the credit of the district to pay it.

The county auditor, upon receipt of the order examines it for its correctness and if he allows it, forwards it to the county treasurer.

No change is proposed in the current duties and responsibilities of the local board (or other local authorities) relating to budgets of junior college districts.

7. To present the budgets to county authorities for purposes of establishing the district tax rate; and
8. To determine the need for elections for over-ride tax levies and bond measures and to request that such elections be called.

The Constitution directs the Legislature to provide for the annual levy, by the governing body of each county or city, of such school district taxes, and rates, not in excess of maximum rates fixed or authorized by the Legislature, as will produce in each fiscal year the revenue required for the support of the schools and functions of each district.

Special provisions of the Education Code deal with financial statements to be prepared and kept on file for public inspection by the local board of each school district, the publication of the preliminary budget and public hearings, punishment for non-compliance, and the printing and distribution of annual financial statements. The levying of a school district tax is a function of the county board of supervisors. The levying of taxes in districts situated partly in two or more counties is regulated by a special Code provision.

Maximum tax rates for various types of school districts and for various special purposes which the local board may elect, are specified in the Education Code. To exceed these tax rates (i.e., thirty-five cents for junior colleges, plus various optional special purpose tax rates), it is necessary for the local board to have the approval of the electorate of the district by a majority vote. This is commonly called an "over-ride tax" election. Similarly, the electorate may by majority vote, reduce the tax rate, but not below the statutory maximum specified in the Code.

Recently enacted legislation that will become effective in 1971, will free the local board from the limitations of the authorized tax rates established by the Education Code or the electorate and allow local boards to adopt such budgets as they deem necessary. It provides for the local taxing authorities to establish a tax rate that is necessary to meet the district budget as prepared by the local board, similar to the authority of a city council or board of supervisors.

Both the Constitution and the Education Code provide for the issuance of school bonds by school districts. The Code authorizes the junior college district to sell bonds for the purposes of purchasing sites or buildings; making alterations or additions to existing buildings; supplying furniture or necessary apparatus of a permanent nature; making permanent improvements on the college grounds; refunding bonded indebtedness; providing sewage and drains for college property; or purchasing buses.

The local board may, on petition of a majority of the qualified electors residing in the district request the county superintendent of schools to call an election and submit to the electors the question of whether bonds should be issued and sold to raise money for any authorized purposes. Sixty six and two-thirds percent of the votes cast are required for approval.

The Education Code provides that ordinarily the amount of bonds issued by a junior college district may not exceed five percent of the taxable property of a district as shown by the last equalization assessment. (A unified district operating a junior college is authorized to issue a total of 15 percent, i.e., in lieu of five percent each for elementary, high school and junior college districts.)

No changes are proposed in the local board's authority over these functions. They are singled out in this list in order to indicate their complexity, their involvement of a number of county officials and their importance to junior college operations.

9. To manage and control district property.

The local board manages and controls school property within the district. This includes the furnishing, repairing, insuring, and in the discretion of the board, renting or leasing of school property. The local board receives, in the name of the district, conveyances of all property received or purchased by it, and the board makes conveyances of district property sold by it. The local board may for certain purposes specified by law exchange real property. The local board may lease property from the federal government for the purpose of construction of school buildings and facilities. The local board, subject to state regulations, may dedicate or convey real property to the state or a political sub-division thereof for street or highway purposes, and grant easements for public utilities. The local board may sell for cash to the highest bidder any district property that is not required for school purposes.

The local board has great discretion in the area of management and control of district property, as long as the precise procedures set forth in the Education Code are followed.

No changes are recommended in these present functions of the local board.

10. To contract for the procurement of goods and services.

There is no general grant of statutory authority to local boards to contract or enter into agreements and arrangements for the procurement of goods and services necessary to operate an educational institution. Over the years, however, specific statutory authorizations have been given to local boards to permit them to contract for various goods and services needed to operate a junior college.

The Education Code contains the following section which grants general authority to the Trustees of the California State Colleges for the procurement of goods, services and facilities.

> "The trustees may enter into agreements with any public or private agency, officer, person, or institution, corporation, association, or foundation for the performance of acts or for the furnishing of services, facilities, materials, or equipment by or for the trustees or for the joint performance of an act or function or the joint furnishing of services and facilities by the trustees and the other party to the agreement." (Education Code Section 23608)

A provision similar to the one above that would grant such authority to local junior college boards would provide greater local control, autonomy and flexibility.

11. To receive and administer gifts, grants, and scholarships.

The Education Code now assigns to local boards the authority to accept on behalf of, and in the name of, the district such gifts, donations, bequests, and devises as are made to the district for junior college purposes or for the benefit of any junior college administered by the district. Such gifts, donations, bequests, and devises may be made subject to such conditions or restrictions as the local board may prescribe. The Code clearly states that in no event shall the approval of any state agency be a pre-requisite to accpetance of such gifts, donations, bequests, or devises.

It is recommended that this function continue to be completely within the authority and discretion of the local board.

12. To establish student fees as authorized by law.

The local board must admit to the junior college any high school graduate, who is a resident of its district or any other portion of the state not contained in a junior college district. The board may restrict or limit the admission of students otherwise eligible, who reside in other junior college districts and admit them only pursuant to an inter-district agreement. The board may admit foreign and out-of-state students and, with certain exceptions, must charge them a tuition established by the Board of Governors. The charge for attendance of students who are residents of non-junior college district territory within the state is set by statute as the actual cost of the educational program plus $300 per student for the use of facilities. This is not charged the student, but is charged to the non-junior college district territory of the county in which the student resides by a tax rate levied by that county to raise the necessary funds.

The local board may also admit any non-high school graduate who is over the age of 18 years, and who in the judgment of the board or the principal of the junior college is capable of profiting by the instruction offered. Special provisions are also provided by law for students taking apprenticeship programs. The board may also maintain classes for adults and community service and recreation classes, and in such cases may charge fees not to exceed the actual cost of the programs.

The local board may require students to pay fees for health services and parking, providing that the total of both fees does not exceed $10 and providing that the parking fees are charged only to students using the facilities. No fees may be charged to children of disabled veterans. The local board maintaining a dormitory for students may fix a rate for the pupils who occupy them.

Beyond the above fees, no fees or charges may be required of students attending a junior college. Under the provisions of the Constitution the junior colleges are a part of the "free public school system" to be supported by the state and local district taxes. Additional fees and charges established by statute could be levied for other than support of the instructional program, as has been done in the State Colleges.

13. To employ and assign all personnel and to establish employment practices, salaries and benefits for all employees not inconsistent with minimum standards adopted by the Board of Governors and with law.

The local board has authority to hire and assign school employees. All employees of the school district are employees assigned either to an "educational position" or to a classified position, with certain exceptions for part-time and temporary employees. The employees hired for "educational positions" must be certificated employees, i.e., hold a credential authorizing the service to which they are to be assigned, or they must be eligible to receive such certificate or a provisional credential within a limited period of time. (See number 6 above under functions of the Board of Governors for a complete discussion of this subject.) All other employees are classified employees. The local board may fix the salary of certificated and classified employees and it may increase and decrease the salary according to the procedures established by law.

In setting salaries, the board is required to make uniform allowances for years of training, service and assignment. The Code provides that no certificated employee shall be paid less than a minimum amount which from time to time has been set by the Legislature. The Code also provides that certificated employees other than superintendents, acquire tenure or permanency of employment in the district after three years of successful experience and limits the local board's right to terminate such employees other than for causes stated in the law.

Both as to certificated and classified employees, the Education Code provides in great detail their rights as employees and the rights and limitations of the local board as the employer. In addition, employees are given the right to join or not join employee organizations and the employee organizations have the right to meet and confer with the local board or its representative in regard to the conditions of employment. (See number 17 above under the functions of the Board of Governors for a complete discussion of this subject.)

The local board may, and under certain circumstances in districts over 3,000 average daily attendance must, establish a personnel commission to govern the hiring, firing and classification of all classified employees of the district.

14. To provide such auxiliary services as deemed necessary to achieve the purposes of the college.

If the local board determines it is necessary or desirable, the board now has the statutory authority to construct and maintain student centers, student unions or activity buildings or facilities, parking facilities, health service facilities, bookstores or other auxiliary facilities and services for use by students or faculty members of the junior college or employees of the district. The local board may also construct and maintain dormitories or, under certain circumstances rent or lease dormitory facilities, for use and occupancy by pupils attending the college. The local board is responsible for fixing the rates to be charged for quarters in the dormitories.

No approval is required of the Board of Governors to permit the local board to make such decisions.

No changes in this function of the local board are recommended.

15. To establish rules and regulations governing student conduct.

The local board may make and enforce all rules and regulations needed for the government and discipline of the schools under its charge. The local board has the authority to enforce these regulations by suspension or expulsion of students. However, that authority is severely limited in certain areas by specific statutes. The Board of Governors has little, if any, specific authority in this area.

The local board is directed by statute to adopt rules and regulations authorizing certificated personnel to administer reasonable corporal or other punishments when such action is deemed appropriate. A teacher may suspend a student for good cause for one day and may require strict obedience to classroom rules and regulations. The teacher may also hold pupils strictly accountable for their conduct and exercise such degree of physical control over students as is necessary to maintain order. Prior to suspension or expulsion of a student, a junior college president must report to appropriate law enforcement officers any acts of the student which may have constituted a felony assault.

The local board is authorized to adopt rules about the use of tobacco. The local board may expel or suspend students for the possession of drugs, or the board may delegate its authority to make such expulsions and suspensions to the district superintendent. Although the period of suspension or expulsion is outlined by statute, the local board or superintendent may order an extension of the suspension period.

In addition to the possession of drugs, three other offenses are singled out in the Education Code for specific prohibition: (1) the local board is authorized to adopt rules and regulations against hazing, which is prohibited by statute. (2) The use of concealed listening or recording devices, without prior permission is a misdemeanor. (3) The joining of a secret club, fraternity or sorority is forbidden in secondary schools.

When discussing a discipline problem the local board may hold an executive meeting after giving proper notice of such a meeting, unless the student, his parent or guardian requests it to be public. The county board of education is authorized to hear appeals from parents or guardians of expelled students.

The maximum suspension period for any pupil in a secondary school is established by statute. The Code further limits suspension authority by stating that no student shall be suspended more than 20 days unless he is first transferred to an "opportunity class" or "continuation school or class." This latter restriction is obviously not intended to apply to junior college students since opportunity schools provide for classes in grades 1-12 and continuation schools are for non-high school graduates who are completing their high school diploma. This is an example, however, of a number of Education Code sections dealing with student conduct and discipline that are intended primarily for students in elementary or high schools where attendance is compulsory. They were not designed nor intended to apply to junior college students. However, because the junior colleges are a part of secondary education these sections apply. It is recommended that those sections of the Education Code which prohibit the local boards' ability to exercise complete authority over student conduct should be made inapplicable to junior colleges.

16. To provide such classes, programs and facilities under the provisions of the Community Service Act, the Civic Center Act and the Recreation Act as deemed appropriate.

Statutes authorize the local board, without approval by the Board of Governors to establish and maintain community service classes in civic, vocational literacy, health, homemaking, technical and general education. The intent and purposes to be served are set forth in the Education Code, and the foregoing categories are set forth as examples without intending to be exclusive. Classes are open to adults and to such minors as the local board feels may profit therefrom. No state apportionment is provided to establish or maintain such classes. The local board may pay expenses of the courses from the district general fund or may charge fees not to exceed the cost of maintaining such classes. The local board may accept contributions or donations for support of such programs.

The Education Code specifically provides for the creation of civic centers at each public school building and grounds where groups can engage in supervised educational activities. The local board may grant the use of school buildings or grounds to various organizations--including church organizations--for public meetings subject to terms the board deems proper. No use of the buildings, however, shall be inconsistent with the regular conduct of school work. No use shall be granted to give a monopoly to any one organization and no use shall be granted for more than a one-year period. Local boards may also authorize the use of any other properties under their control for supervised recreational activities.

Management, control, and direction of the civic center is vested in the local board. The local board makes all rules and regulations for civic meetings and recreational activities and the local board may, under specific conditions, charge for the use of the property. Where admission is charged or a solicitation is sought by the program sponsors, the local board must charge for the use of the school properties.

Local boards are authorized by statute to provide for the health, welfare, and general citizenship of the community through recreation programs, and to authorize the promotion of such recreation programs. The local board is authorized to conduct recreation programs, establish systems of playgrounds and recreation, and acquire, construct, and improve recreation centers within the district. The local board may cooperate with other local authorities or the federal government to achieve these purposes, through contracts for joint action.

The local board may require fees for the school facilities or for the school buses used for recreational purposes. Necessary expenses may be charged against the funds of the district. The Board of Governors may advise and assist the local board in establishing a recreation system.

Local boards can elect to finance these programs by an increase of not more than $.05 per $100.00 assessed valuation to provide revenues for civic centers and community recreation. Any unencumbered balance derived from a tax so levied can be accummulated but must be spent solely for this purpose.

The local board has great autonomy in this area, since no state apportionment is made for its support. As long as junior colleges are organized as local school districts this seems appropriate and no change of function is recommended.

17. To adopt procedures not inconsistent with those established by the Board of Governors that will insure faculty and students the opportunity to express their opinions at the campus level and will insure that those opinions are given every reasonable consideration.

Basic law with respect to the expressions of organized faculty opinion is found in the Education Code provisions providing for the rights of employee organizations and Administrative Regulations providing for the rights of faculty to establish academic senates. (See number 17 above, under the Board of Governors for a complete discussion of this subject.)

With respect to the expression of student opinion, any group of students may now organize a student body association within a junior college with the approval and subject to the control and regulation of the local board. The student body association must have as its purpose the conduct of activities on behalf of the students approved by the college authorities and not in conflict with the authority and responsibility of college officials.

This proposed function and that shown under number 17 for the Board of Governors assigns the responsibility of establishing procedures that insure the faculty and students the opportunity to express their opinions at the campus level and to insure that those opinions are given every possible consideration. This proposed function for the local boards is to insure that they establish procedures not inconsistent with those established by the Board so that faculty and student opinion may be recognized and fully considered.

18. To apply directly to federal agencies or state agencies operating federal programs in order to obtain federal funds.

At present, local boards may apply for and contract with federal agencies only when there exists statutory enabling authority granting the local boards the power to deal directly with a federal agency as to the specific program for which the federal funds are sought. The Trustees of the California State Colleges have been granted broad authority to enter into agreements with the federal government or any other agency thereof, "...in order to receive the benefits of any federal statute extending benefits to state colleges, or to state college students..." (Education Code Section 23688)

It is recommended that broad statutory authority similar to that granted the Trustees be given to the local boards to apply for, contract with, and receive the benefits from federal funds both as to present and future federal legislation which provides for the application and receipt of federal funds by individual college districts. Local districts could then apply to and work directly with the federal agency, or state agency when it is responsible for administering or making recommendations on federal programs. Such broad statutory authority would eliminate the necessity for piecemeal enabling legislation, often times enacted as an urgency measure in order to permit a district or districts to apply for some special new federal program.

APPENDIX A

Senate Bill No. 669
CHAPTER 1549

An act to amend Section 22700 of, and to add Chapter 1.5 (commencing with Section 185) to Division 2 of, the Education Code, relating to higher education, and making an appropriation therefor.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 185) is added to Division 2 of the Education Code, to read:

CHAPTER 1.5. THE BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES

185. There is in the state government a Board of Governors of the California Community Colleges, consisting of 15 members, who are appointed by the Governor with the advice and consent of two-thirds of the Senate.

The first members of the board shall be appointed by the Governor on or before January 15, 1968, and the Governor shall designate the date of the first meeting of the board. At least seven of the initial members shall have served as members of local junior college governing boards in this state prior to their appointment to the Board of Governors of the California Community Colleges. Any such member must resign from the local junior college governing board before his appointment if he is serving on a local junior college governing board at the time of his appointment.

186. The terms of office of the members of the board shall commence on January 15, 1968, and the members shall enter upon their duties on that date and shall classify their terms of office by lot so that four of the terms of such appointive members shall expire on January 15, 1969, four of the terms of such appointive members shall expire on January 15, 1970, four of the terms of such appointive members shall expire on January 15, 1971, and three of the terms of such appointive members shall expire on January 15, 1972. Thereafter, the terms of office of the members of the board shall be four years.

At the first meeting of the board, and annually thereafter, the members shall select two of their members to serve as chairman, and vice chairman, respectively.

187. Members of the board shall be selected from outstanding lay citizens of California who have a strong interest in the further development and improvement of the public junior colleges.

188. Any vacancy on the board shall be filled by appointment by the Governor, subject to confirmation by two-thirds of the Senate. The appointee to fill a vacancy shall hold office only for the balance of the unexpired term.

189. Members of the board shall serve without pay. They shall receive their actual and necessary traveling expenses while on official business. The headquarters of the board and the chief executive officer shall be in Sacramento.

190. The board shall appoint a chief executive officer, designate his title, and fix his salary.

191. The chief executive officer shall serve at the pleasure of the appointing power. He shall execute such duties and responsibilities as may be delegated to him by the board.

192. The chief executive officer shall employ and fix the compensation, in accordance with law, of such assistants, clerical, and other employees as he may deem necessary for the effective conduct of the work of the board and the chief executive officer.

193. The board shall have the power to adopt such rules and regulations, not inconsistent with law, as are necessary for its own government and to enable the board to carry out all powers and responsibilities vested in it by law.

194. All official acts of the board shall require the affirmative vote of at least eight members. The vote of all members shall be recorded.

195. All meetings of the board shall be open and public except as otherwise provided.
The board may hold executive sessions closed to the public to consider the employment of any person, or the dismissal or other form of disciplinary action to be taken against any officer or employee under the jurisdiction of the board, except where such person, officer, or employee requests a public hearing. The board may exclude from any such meeting, whether public or closed to the public, during the examination of a witness, any or all other witnesses in the matter being investigated.

196. It is the intent of the Legislature that the Board of Governors of the California Community Colleges shall provide leadership and direction in the continuing development of junior colleges as an integral and effective element in the structure of public higher education in the state. The work of the board shall at all times be directed to maintaining and continuing, to the maximum degree permissible, local autonomy and control in the administration of the junior colleges.

197. Commencing on July 1, 1968, the Board of Governors of the California Community Colleges shall succeed to the duties, powers, purposes, responsibilities, and jurisdiction heretofore vested in the State Board of Education, the Department of Education, and the Director of Education with respect to the management, administration, and control of the junior colleges. Whenever in any law relating to the management, administration and control of the junior colleges reference is made to the State Board of Education, the Department of Education, or the Director of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

198. The State Board of Education is designated as the state educational agency to carry out the purposes and provisions of Public Law 815 and Public Law 874 of the 81st Congress, and is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to allocate, upon the advice and recommendations of the Board of Governors of the California Community Colleges, the funds provided by such acts of Congress to public junior colleges

SEC. 2. Section 22700 of the Education Code is amended to read:

22700. There is hereby created an advisory body, the Coordinating Council for Higher Education, to be composed of three representatives each of the University of California, the California State Colleges, the public junior colleges, the private colleges and universities in the state, and six representatives of the general public. The university shall be represented by the president and two regents appointed by the regents. The California State Colleges shall be represented by the chancellor and two trustees appointed by the trustees. Public junior colleges shall be represented by a member of the State Board of Education or its chief executive officer as the board may from time to time determine, and a member of a local public junior college governing board and a public junior college administrator. The junior college governing board member shall be selected by the State Board of Education from a list or lists of five names submitted for its consideration by any association or associations of statewide coverage which represent junior college governing boards. The public junior college administrator shall be selected by the State Board of Education from a list of five names submitted for its consideration by the California Junior College Association. The private colleges and universities shall be represented by three persons, each of whom shall be affiliated with a private institution of higher education as a governing board member or as a staff member, in an academic or administrative capacity and shall be appointed by the Governor after consultation with an association or associations of such private institutions and subject to confirmation by the Senate. The general public shall be represented by six members appointed by the Governor subject to confirmation by the Senate. The terms of the appointments made pursuant to this section shall be as follows:

(a) The representatives appointed by the regents shall serve one-year terms.
(b) The representatives appointed by the trustees shall serve one-year terms.
(c) The member of the State Board of Education or its chief executive officer who represents the public junior colleges shall serve until the first meeting of the board in the next succeeding calendar year following his appointment.
(d) Except as otherwise provided in this subdivision, the term of office of all of the other members of the council appointed pursuant to this section is four years, and they shall hold office until the appointment of their successors.

The terms of such members in office on November 1, 1965, shall expire as follows:

(1) The term of the member who, as a member of a local public junior college governing board, is representing the public junior colleges, the term of one of the members representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1965.
(2) The term of one of the members representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1966.
(3) The term of the member who, as a public junior college administrator, is representing the public junior colleges and the term of one of the members representing the public shall expire on November 1, 1967.
(4) The term of the other member representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1968.
(5) The terms of the other two members representing the public shall expire on November 1, 1969.

On or before November 1, 1965, the Governor shall designate the order in which the terms of his appointees expire pursuant to this subdivision.

(e) Any person appointed pursuant to this section may be reappointed to serve additional terms.

No appointing authority specified in this section shall appoint any person to alternate membership on the council with the following exceptions who shall be appointed by the appropriate appointing authority: two alternates for the president and the two representatives of the regents; two alternates for the chancellor and the two representatives of the trustees, and one alternate for the one representative of the State Board of Education. Each alternate shall be a member of the appropriate appointing authority and shall be appointed for an annual term.

No person appointed pursuant to this section shall, with respect to any matter before the council, vote for or on behalf of, or in any way exercise the vote of, any other member of the council.

Commencing on February 1, 1968, the public junior colleges shall, notwithstanding the preceding provisions of this section, be represented exclusively by two members of the Board of Governors of the California Community Colleges chosen annually by the board, and the chief executive officer of the California Community Colleges; provided that, the member of the State Board of Education or the board's executive officer, the member of the local junior college governing board, and the public junior college administrator (to be replaced by the chief executive officer of the California

Community Colleges) shall continue to serve until the successors are designated and qualify to serve. The representatives of the public junior colleges shall serve for one-year terms. One alternate member may be designated by the Board of Governors of the California Community Colleges.

SEC. 3. The Co-ordinating Council for Higher Education, as soon as this act becomes effective, shall undertake a study of all of the duties, powers, responsibilities, and jurisdiction in the management, administration, and control of the junior colleges and shall report to the Governor and to the Legislature on or before December 1, 1968, on the appropriate functions which should be performed (a) by local school boards maintaining junior colleges and (b) by the Board of Governors of the California Community Colleges.

SEC. 4. There is hereby appropriated from the General Fund for the support of the Board of Governors of the California Community Colleges the sum of ten thousand dollars ($10,000), or so much thereof as may be necessary, to be expended for expenses incurred by the board pursuant to Chapter 1.5 (commencing with Section 175) of Division 2 of the Education Code, including planning for the uninterrupted performance of the functions and duties transferred to the board.

APPENDIX B

MEMBERS OF THE ADVISORY COMMITTEE ON JUNIOR COLLEGE FUNCTIONS

Local Trustees

Mr. James Darrah
San Joaquin Delta Junior College District

Mr. Francis Laird
North Orange County Junior College District

Mrs. Stanton Zoglin
Foothill Junior College

Local Administrators

Dr. John Dunn
Peralta Junior College District

Dr. Wiley Garner
Long Beach City College

Dr. Wallace Hall
West Valley Joint Junior College District

Dr. James Keene
San Joaquin Delta Junior College District

Dr. Robert Swenson
Cabrillo Junior College District

Junior College Faculty

Mr. Martin Dreyfuss
San Jose City College

Mr. Louis Gentile
Chaffey College

Dr. John Porterfield
Diablo Valley College

Staff of the Board of Governors

Dr. Leland Baldwin*
Dr. Archie McPherran*

Others

Mr. Lowell Gano
Department of Finance
(Replaced Mr. Robert Harris)

Mr. Clinton Jordan
Office of Legislative Analyst

Dr. Lloyd Messersmith
California Junior College Association

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*Represented at the last meeting of the Committee by Mr. Robert Harris and Miss Jane Fulton.